

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEDELL HAMMOND,

Plaintiff,

Case No. 15-12051

v.

Paul D. Borman
United States District Judge

CITY OF TROY, ET AL.,

Defendants.

R. Steven Whalen
United States Magistrate Judge

OPINION AND ORDER:

ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
(ECF NO. 53); AND GRANTING DEFENDANTS CITY OF TROY'S MOTION
TO DISMISS (ECF NO. 33); AND DISMISSING WITH PREJUDICE THE
CLAIMS AGAINST DEFENDANTS CITY OF TROY AND TROY POLICE
DEPARTMENT

Before the Court is Magistrate Judge R. Steven Whalen's Report and Recommendation recommending that the Court grant Defendant City of Troy's Motion to Dismiss and find that Defendant Troy Police Department lacks the capacity to be sued. (ECF No. 51, Report and Recommendation). Plaintiff did not file an objection to the Report and Recommendation.

Having reviewed the Report and Recommendation and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation (ECF No. 53); GRANTS Defendant City of Troy's Motion to Dismiss (ECF No. 33); and

DISMISSES WITH PREJUDICE the claims against Defendants City of Troy and Troy Police Department.

IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: March 21, 2016

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 21, 2016.

s/Deborah Tofil

Case Manager